

Maine Revised Statutes
Title 20-A: EDUCATION
Chapter 112: Public CHARTER SCHOOLS

§2405. AUTHORIZERS

1. Eligible authorizers. The following groups may become authorizers of public charter schools:

A. A local school board with regard to creating a public charter school within the boundaries of the school administrative unit governed by that local school board; [2011, c. 414, §5 (NEW).]

B. The commission under subsection 8; and [2011, c. 414, §5 (NEW).]

C. A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards. [2011, c. 570, §4 (AMD).]

[2011, c. 570, §4 (AMD) .]

2. Powers and duties. An authorizer may:

A. Solicit, invite and evaluate applications from organizers of proposed public charter schools; [2011, c. 414, §5 (NEW).]

B. Approve applications that meet identified educational needs; [2011, c. 414, §5 (NEW).]

C. Deny applications that do not meet identified educational needs; [2011, c. 414, §5 (NEW).]

D. Create a framework to guide the development of charter contracts; [2011, c. 414, §5 (NEW).]

E. Negotiate and execute sound charter contracts with each approved public charter school; [2011, c. 414, §5 (NEW).]

F. Monitor the performance and compliance of public charter schools; and [2011, c. 414, §5 (NEW).]

G. Determine whether each charter contract merits renewal or revocation. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

3. Principles and professional standards. An authorizer shall develop and maintain policies and practices consistent with nationally recognized principles and professional standards for authorizing public charter schools, including standards relating to:

A. Organizational capacity and infrastructure; [2011, c. 414, §5 (NEW).]

B. Soliciting and evaluating applications; [2011, c. 414, §5 (NEW).]

C. Performance contracting; [2011, c. 414, §5 (NEW).]

D. Ongoing public charter school oversight and evaluation; and [2011, c. 414, §5 (NEW).]

E. Charter renewal decision making. [2011, c. 414, §5 (NEW).]

[2011, c. 414, §5 (NEW) .]

4. Reporting and evaluation. An authorizer shall submit to the commissioner an annual report within 60 days of the end of each school fiscal year summarizing:

A. The authorizer's strategic vision for chartering and progress toward achieving that vision; [2011 , c. 414 , §5 (NEW) .]

B. The performance of all operating public charter schools overseen by the authorizer, according to the performance measures and expectations specified in the charter contracts; [2011 , c. 414 , §5 (NEW) .]

C. The status of the authorizer's public charter school portfolio of approved charter applications, identifying all public charter schools within that portfolio as:

- (1) Approved, but not yet open;
- (2) Operating;
- (3) Renewed;
- (4) Transferred;
- (5) Terminated;
- (6) Closed; or
- (7) Never opened; [2011 , c. 570 , §5 (AMD) .]

D. The oversight and services provided by the authorizer to the public charter schools under the authorizer's purview; and [2011 , c. 570 , §5 (AMD) .]

E. The total amount of funds collected from each public charter school the authorizer authorized pursuant to subsection 5, paragraph B and the costs incurred by the authorizer to oversee each public charter school. [2011 , c. 570 , §6 (NEW) .]

[2011 , c. 570 , §§5, 6 (AMD) .]

5. Funding of authorizers. To cover costs for overseeing public charter schools in accordance with this chapter, an authorizer may:

A. Expend its own resources, seek grant funds and establish partnerships to support its public charter school office and activities; and [2011 , c. 414 , §5 (NEW) .]

B. Charge up to 3% of annual per-pupil allocations received by each public charter school it authorizes. These funds must be used to cover the costs for an authorizer to oversee its public charter schools. [2011 , c. 414 , §5 (NEW) .]

[2011 , c. 414 , §5 (NEW) .]

6. Conflicts of interest. An employee, trustee, agent or representative of an authorizer may not simultaneously serve as an employee, trustee, agent, representative, vendor or contractor of a public charter school of that authorizer.

[2011 , c. 414 , §5 (NEW) .]

7. Services purchased from authorizer. A public charter school may not be required to purchase services from its authorizer as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

A. A public charter school may, at its discretion, choose to purchase services from its authorizer. In such event, the public charter school and authorizer shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning any services to be provided by the authorizer and any service fees to be charged to the public charter school. [2011 , c. 414 , §5 (NEW) .]

[2011 , c. 414 , §5 (NEW) .]

8. Maine Charter School Commission. The Maine Charter School Commission, established under Title 5, section 12004-G, subsection 10-D, is referred to in this chapter as "the commission."

A. The commission consists of 7 members appointed by the state board for 3-year terms. The commission shall elect a chair and such other officers as may be necessary to conduct its business. Four members constitute a quorum.

- (1) Three members must be members of the state board, and those 3 members shall nominate the other 4 members who must be approved by a majority vote of the state board.
- (2) Members appointed to the commission must have diverse professional experience in education, social services, youth training, business startup and administration, accounting and finance, strategic planning and nonprofit governance. The following provisions apply to the appointment of the 4 other members nominated and appointed by state board members pursuant to subparagraph (1):
 - (a) In appointing members to the commission, the state board shall give proper consideration to candidates with experience in a noncharter public school in the State in one of the following positions: school board member, superintendent, teacher and special education director;
 - (b) The state board shall ensure that the joint standing committee of the Legislature having jurisdiction over education matters has an opportunity to meet and interview the candidate or candidates nominated for the commission;
 - (c) Within 10 days of meeting with the candidate or candidates, the joint standing committee of the Legislature having jurisdiction over education matters shall deliver to the state board its written appraisal of the strengths and weaknesses of the candidate or candidates; and
 - (d) The state board shall consider the appraisal of the joint standing committee of the Legislature having jurisdiction over education matters prior to appointing a candidate or candidates to the commission.
- (3) A commission member may not serve more than 3 consecutive terms, but may serve again after not serving on the commission for at least one term.
- (4) A commission member may receive an amount equal to the legislative per diem and be reimbursed for expenses.
- (5) A commission member who is a member of the state board serves on the commission only during that person's membership on the state board. Upon expiration of that person's state board membership, the position on the commission becomes vacant and must be filled in the manner provided for filling vacancies. The term of a member who is approved by the state board and reviewed by the joint standing committee of the Legislature having jurisdiction over education matters ends on June 30th of the final year of the member's term.
- (6) A vacancy on the commission must be filled in the same manner as the position in which the vacancy occurs is regularly filled, including, if applicable, a review by the joint standing committee of the Legislature having jurisdiction over education matters. A vacancy is filled for the remainder of the unexpired term. If the person serves more than 1 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation set forth in subparagraph (3).
- (7) A member of the commission may be removed for failure to perform the duties of office, as specified in commission rules, by a majority vote of the state board. [2013 , c . 368 , Pt . JJJJ , §2 (AMD) .]

B. The commission shall adopt rules for the organization and operation of the commission and to develop, implement and refine its procedures for authorizing public charter schools in this State. Rules adopted by the commission pursuant to this paragraph before June 30, 2014 are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A. Beginning June 30, 2014, rules adopted by the commission pursuant to this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A. [2011 , c . 570 , §7 (AMD) .]

C. The commission shall, in keeping with its authorizing responsibilities:

- (1) Engage professional and administrative staff, separate from the department;
- (2) Convene stakeholder groups and engage experts; and
- (3) Seek and receive state, federal and private funds. [2011, c. 414, §5 (NEW).]

D. The commission is the sole authorizer in this State for virtual public charter schools, except that a local school board may authorize a public charter school within its jurisdiction that integrates online and on-site instruction. [2011, c. 414, §5 (NEW).]

[2013, c. 368, Pt. JJJJ, §2 (AMD) .]

9. (TEXT EFFECTIVE UNTIL 7/1/22) (TEXT REPEALED 7/1/22) Transition period. The public charter school program set out in this chapter must begin with a 10-year transition period, beginning on the effective date of this chapter. During the transition period, the commissioner shall register the charters approved by all authorizers in chronological order by date of approval under this chapter. During the transition period, only 10 public charter schools may be approved by the commission. Once the cap is reached, the commissioner may not accept further registrations from the commission and only local school boards and collaboratives of local school boards may approve charters until the end of the transition period.

This subsection is repealed July 1, 2022.

[2011, c. 570, §8 (AMD) .]

SECTION HISTORY

2011, c. 414, §5 (NEW). 2011, c. 570, §§4-8 (AMD). 2013, c. 368, Pt. JJJJ, §2 (AMD).

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